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| 09/913,695      | 08/02/2002  | Niels Rump           | 13189.136           | 3855             |

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EXAMINER

HENNING, MATTHEW T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2131

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                |                             |  |
|------------------------------|--------------------------------|-----------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/913,695  | Applicant(s)<br>RUMP ET AL. |  |
|                              | Examiner<br>Matthew T. Henning | Art Unit<br>2131            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1 This action is in response to the communication filed on 5/11/2006.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments filed 5/11/2006 have been fully considered but they are not  
5 persuasive. Applicants argue primarily that:

6 A. Saito did not disclose a "start section" that remained unencrypted.

7 B. Saito did not disclose "that the header includes a part requiring information for  
8 playing the first unencrypted start section of the user data block and second information required  
9 for decrypting the following encrypted data block".

10 Regarding applicants' argument A., that Saito did not disclose a "start section" that  
11 remained unencrypted, the examiner does not find the argument persuasive. It appears that the  
12 applicants' have misinterpreted the rejection of the claims in that the applicants' appear to  
13 believe the examiner is relying on the "encrypted" data of Saito as meeting the "start block" of  
14 the claims, when in fact the examiner is relying on the "unencrypted" data of Saito as meeting  
15 the "start block" of the claims. This "unencrypted" data is clearly shown in Fig. 4G is the  
16 leftmost "DATA" not contained in 2 boxes (as Saito showed encryption by "double boxing"),  
17 and clearly discussed in Col. 8. As such, the examiner does not find the argument persuasive.

18 In response to applicant's argument that the references fail to show certain features of  
19 applicant's invention, it is noted that the features upon which applicant relies (i.e., the header  
20 (start block) includes a part requiring information for playing the first unencrypted start section  
21 of the user data block and second information required for decrypting the following encrypted  
22 data block) are not recited in the rejected claim(s). Although the claims are interpreted in light of

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1 the specification, limitations from the specification are not read into the claims. See *In re Van*  
2 *Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, the examiner does not find  
3 the argument persuasive.

4 The examiner further notes that the applicants have not addressed the rejections in view  
5 of the combinations of Saito and Downs, and Saito and Rump. In response to applicant's  
6 arguments against the references individually, one cannot show nonobviousness by attacking  
7 references individually where the rejections are based on combinations of references. See *In re*  
8 *Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231  
9 USPQ 375 (Fed. Cir. 1986).

10 The examiner has not found the arguments to be persuasive and has therefore maintained  
11 the prior art rejections previously presented.

12 All objections and rejections not set forth below have been withdrawn.

13 Claims 1-18 have been examined.

#### 14 *Drawings*

15 The drawings are objected to under 37 CFR 1.83(a). The drawings must show every  
16 feature of the invention specified in the claims. Therefore, the “unit for processing **only** the  
17 information of the start block which is needed to play back the start section of the user data  
18 block” must be shown or the feature(s) canceled from the claim(s). No new matter should be  
19 entered.

20 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to  
21 the Office action to avoid abandonment of the application. Any amended replacement drawing  
22 sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification is objected to for failing to provide support for the claim limitation of “a unit for processing **only** the information of the start block which is needed to play back the start section of the user data block”, or “processing only the information of the start block which is needed to play back the start section of the user data block”. See the rejection of claims 13-16 and 18 under 35 USC 112 1<sup>st</sup> Paragraph below.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to  
comply with the written description requirement. The claim(s) contains subject matter which  
was not described in the specification in such a way as to reasonably convey to one skilled in the  
relevant art that the inventor(s), at the time the application was filed, had possession of the  
claimed invention.

7 Although the specification provides support for initially processing only the information  
8 of the start block which is needed to play back the start section of the user data block, there is  
9 neither support for only processing such data, nor support for a unit which processes only this  
10 data. As such, one of ordinary skill in the art would be unable to ascertain that the applicants  
11 were in possession of the invention as claimed at the time of application. Therefore, claims 13-  
12 16 and 18 are rejected for failing to meet the written description requirement of 35 USC 112 1<sup>st</sup>  
13 Paragraph.

14 *Claim Rejections - 35 USC § 102*

15           The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
16   basis for the rejections under this section made in this Office action:

17 *A person shall be entitled to a patent unless –*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1           Claims 1, 3, 11-12, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by  
2   Saito (US Patent Number 6,744,894).

3           Regarding claims 1 and 12, Saito disclosed a method for generating an encrypted user  
4   data stream, which has a start block and a user data block (See Saito Fig. 4G), comprising the  
5   following steps: generating the start block (See Saito Col. 8 Paragraph 8); and generating the  
6   user data block which follows the start block by means of the following substeps: using a first  
7   part of the user data to be encrypted as start section for the user data block, the start section  
8   remaining unencrypted (See Saito Fig. 4G and Col. 8 Paragraphs 6-10); encrypting a second part  
9   of user data to be encrypted which follow the first part of the user data to obtain encrypted data  
10   (See Saito Fig. 4G); and appending the encrypted user data to the unencrypted start section (See  
11   Saito Fig. 4G).

12           Regarding claim 3, Saito disclosed that the second part does not comprise all the user  
13   data to be encrypted and wherein the step of generating the user data block includes the  
14   following substep: appending a third part of user data to be encrypted, which follow the second  
15   part, to the encrypted user data of the second part, the user data of the third part being  
16   unencrypted (See Saito Fig. 4G and Col. 8).

17           Regarding claims 11, and 17, Saito disclosed the data as audio or video data (See Saito  
18   Col. 8 Paragraph 2).

19                                   ***Claim Rejections - 35 USC § 103***

20           The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
21   obviousness rejections set forth in this Office action:

22                   *A patent may not be obtained though the invention is not identically disclosed or*  
23                   *described as set forth in section 102 of this title, if the differences between the subject matter*

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1 *sought to be patented and the prior art are such that the subject matter as a whole would have*  
2 *been obvious at the time the invention was made to a person having ordinary skill in the art to*  
3 *which said subject matter pertains. Patentability shall not be negated by the manner in which*  
4 *the invention was made.*  
5

6 Claims 2, and 4-6, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable  
7 over Saito.

8 Regarding claims 2, and 4-5, Saito disclosed generating the start block (See the rejection  
9 of claim 1 above) but failed to specifically disclose entering the length of the start section in the  
10 start block. However, Saito did disclose that the header data needed to contain information that  
11 would allow the content to be recognized. Furthermore, it was well known at the time of  
12 invention that header data included the various lengths of portions of the data associated with the  
13 header. Also, it was well known to include a total length for the content in the header.  
14 Therefore, it would have been obvious to the ordinary person skilled in the art at the time of  
15 invention to employ what was known in the art at the time of invention by adding the lengths of  
16 the various portions of the content in Fig. 4G to the header and the total length. This would have  
17 been obvious because the ordinary person skilled in the art would have been motivated to allow  
18 the content to be recognized.

19 Regarding claims 6-7, Saito disclosed a method for playing back an encrypted  
20 multimedia data stream, which has a start block and a user data block, where a start section of the  
21 user data block, which follows the start block, contains unencrypted user data and where a  
22 further section of the user data block contains encrypted user data, where the start block contains  
23 information which is needed to play back the start section of the user data block and where the  
24 start block contains information which is not needed to play back the unencrypted start section of



1 the user data block (See Saito Fig. 4G and Col. 8), comprising the following steps: processing  
2 the information of the start block which is needed to play back the start section of the user data  
3 block (See Saito Col. 8 Paragraph 2), processing the information of the start block which is not  
4 needed to play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10); and  
5 decrypting the further section of the user data block using the processed information of the start  
6 block (See Saito Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the  
7 data. However, it is implied that the data was meant to be played back since Saito disclosed that  
8 the data was video data (See Saito Col. 8 Paragraph 2).

9       Regarding claims 13-14, and 18, Saito disclosed a method for playing back an encrypted  
10 multimedia data stream, which has a start block and a user data block, where a start section of the  
11 user data block, which follows the start block, contains unencrypted user data and where a  
12 further section of the user data block contains encrypted user data, where the start block contains  
13 information which is needed to play back the start section of the user data block and where the  
14 start block contains information which is not needed to play back the unencrypted start section of  
15 the user data block (See Saito Fig. 4G and Col. 8), comprising the following steps: processing  
16 the information of the start block which is needed to play back the start section of the user data  
17 block (See Saito Col. 8 Paragraph 2), processing the information of the start block which is not  
18 needed to play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10); and  
19 decrypting the further section of the user data block using the processed information of the start  
20 block (See Saito Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the  
21 data. However, it is implied that the data was meant to be played back since Saito disclosed that  
22 the data was video data (See Saito Col. 8 Paragraph 2), and it was further obvious that playback

1 would have been in response to processing the header data (used to allow the content to be  
2 recognized, as seen in Saito Col. 8). Saito further did not specifically disclose a unit which only  
3 processes the header. However, it was well known in the art that modularization of a system  
4 improved the flexibility and comprehensibility of the system, and as such it would have been  
5 obvious to have broken the system in to different modules, and as header processors were also  
6 well known in the art it would have been obvious to have used a dedicated header processor in the  
7 system of Saito.

8 Regarding claim 10, Saito disclosed that the data was encoded (See Saito Col. 2  
9 Paragraph 2) and it was therefore obvious that the type of coding was indicated in the header  
10 data in order to recognize the data.

11 Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as  
12 applied to claims 7 and 14 above, and further in view of Downs et al. (US Patent Number  
13 6,226,618).

14 Saito disclosed the different portions of header data (See the rejection of claim 6 above),  
15 but failed to disclose concurrent processing of the encrypted data while playing back the  
16 unencrypted data.

17 Downs teaches that concurrently decrypting the data while playing unencrypted data  
18 makes the decryption more efficient since the entire file does not need to be decrypted prior to  
19 beginning playback (See Downs Col. 82 Paragraph 5).

20 It would have been obvious to the ordinary person skilled in the art at the time of  
21 invention to employ the teachings of Downs in the decryption system of Saito by concurrently

1 playing and decrypting. This would have been obvious because the ordinary person skilled in  
2 the art would have been motivated to increase the efficiency of the decryption system.

3 Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as  
4 applied to claims 6 and 13 above, and further in view of Rump et al. (DE 196 25 635 C1).

5 Saito disclosed encrypted and unencrypted portions of the content (See Saito Fig. 4G) but  
6 failed to disclose the length of the unencrypted portion.

7 Rump teaches that unencrypted data can be used as sample data for the content and that  
8 the data should be 20 seconds in length (See Rump Col .2 Last Paragraph to Col .3 First  
9 paragraph).

10 It would have been obvious to the ordinary person skilled in the art at the time of  
11 invention to employ the teachings of Rump in the content encryption system of Saito by  
12 providing 20 seconds of unencrypted data as sample data. This would have been obvious  
13 because the ordinary person skilled in the art would have been motivated to allow the user to  
14 sample the content before purchasing the content.

### 15 *Conclusion*

16 Claims 1-18 have been rejected.

17 The prior art made of record and not relied upon is considered pertinent to applicant's  
18 disclosure.

19

20

21

1 Applicant's amendment necessitated the new ground(s) of rejection presented in this  
2 Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

3 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


4 A shortened statutory period for reply to this final action is set to expire **THREE**  
5 **MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**  
6 **MONTHS** of the mailing date of this final action and the advisory action is not mailed until after  
7 the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period  
8 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
9 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,  
10 however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this  
11 final action.

12 Any inquiry concerning this communication or earlier communications from the  
13 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.  
14 The examiner can normally be reached on M-F 8-4.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
16 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the  
17 organization where this application or proceeding is assigned is 571-273-8300.

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1 Information regarding the status of an application may be obtained from the Patent  
2 Application Information Retrieval (PAIR) system. Status information for published applications  
3 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
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7 like assistance from a USPTO Customer Service Representative or access to the automated  
8 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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18 Matthew Henning  
19 Assistant Examiner  
20 Art Unit 2131  
21 7/17/2006 